

I claim the benefit, under 35 U.S.C. §120, of any United States application(s) or any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>U.S. Applications</u>		<u>Status (Check One)</u>		
<u>Serial No.</u>	<u>U.S. Filing Date</u>	<u>Patented</u>	<u>Pending</u>	<u>Abandoned</u>
<u>PCT Applications Designating US</u>				
<u>PCT No.</u>	<u>Filing Date</u>	<u>USSN</u>		

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<u>NAME</u>	<u>Reg. No.</u>
Gerald O.S. Oyen	27,280
Blake R. Wiggs	29,505
Bruce M. Green	30,524
David J. McGruder	32,375
Thomas W. Bailey	36,411
Gavin N. Manning	36,412
Brian G. Kingwell	P39,482

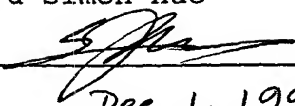
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole
or first Inventor:

Jiayu Simon Xue

Inventor's signature:

Date:


Dec. 1, 1995

Residence Address:

532 - 500 Cottonwood Avenue
Coquitlam, British Columbia
Canada V3J 2S1

Citizenship:

Canadian

Post Office Address:

Same as residence

Full name of
second Inventor:

Alfred MacDonald Wilson

Inventor's signature:

Date:


Nov. 30, 1995

Residence Address:

3578 West 16th Avenue
Vancouver, British Columbia
Canada V6R 3C1

Citizenship:

Canadian

Post Office Address:

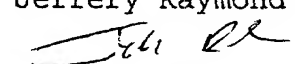
Same as residence

Full name of
third Inventor:

Jeffery Raymond Dahn

Inventor's signature:

Date:


Nov 30/95

Residence Address:

17127 80 Avenue
Surrey, British Columbia
Canada V4N 3G4

Citizenship:

Canadian

Post Office Address:

Same as residence

Full name of
fourth Inventor: Yinghu Liu
Inventor's signature: Yinghu Liu
Date: Nov 25, 1995
Residence Address: 9158 Centaurus Cir.
Burnaby, British Columbia
V3J 7R1
Citizenship: P.R. China
Post Office Address: Same as residence

Full name of
fifth Inventor: Ulrich von Sacken
Inventor's signature: U. von Sacken
Date: Nov 23/95
Residence Address: 1316 Shaughnessy Street
Coquitlam, British Columbia
V3E 2K8
Citizenship: Canadian
Post Office Address: Same as residence

Full name of
sixth Inventor: Qiming Zhong
Inventor's signature: Qiming Zhong
Date: Nov 23/95
Residence Address: 2551 Austin Avenue
Coquitlam, British Columbia
Canada V3K 3S2
Citizenship: Canadian
Post Office Address: Same as residence

Full name of
seventh Inventor: Tao Zheng
Inventor's signature: Zheng Tao
Date: Nov 30, 1995
Residence Address: Apt. 315, 540 Rochester Avenue
Coquitlam, British Columbia
Canada V3K 2V1
Citizenship: P R. China
Post Office Address: Same as residence

ASSIGNMENT

WHEREAS WE, Jiayu Simon Xue of 532 - 500 Cottonwood Avenue, Coquitlam, British Columbia, Canada, V3J 2S1; Alfred MacDonald Wilson, of 3578 West 16th Avenue, Vancouver, British Columbia, Canada, V6R 3C1; Jeffery Raymond Dahn, of 17127 80 Avenue, Surrey, British Columbia, Canada, V4N 3G4; Yinghu Liu, of 9158 Centaurus Cir., Burnaby, British Columbia, Canada, V3J 7R1; Ulrich von Sacken, of 1316 Shaughnessy Street, Coquitlam, British Columbia, Canada, V3E 2K8; Qiming Zhong, of 2551 Austin Avenue, Coquitlam, British Columbia, Canada, V3K 3S2; and Tao Zheng, of Apt. 315, 540 Rochester Avenue, Coquitlam, British Columbia, Canada, V3K 2V1, (hereinafter collectively called the "Assignors"), are the inventors of certain inventions or improvements described and claimed in the application for United States Letters Patent executed concurrently herewith and entitled:

**PRE-GRAPHITIC CARBONACEOUS INSERTION COMPOUNDS
AND USE AS ANODES IN RECHARGEABLE BATTERIES**

AND WHEREAS, Moli Energy (1990) Limited, (hereinafter called the "Assignee") whose full post office address is 20000 Stewart Crescent, Maple Ridge, British Columbia, Canada, V2X 9E7, is desirous of acquiring the entire right, title and interest in and to the said inventions or improvements, and in and to the said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in any and all countries;

NOW THEREFORE, in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, WE, the Assignors, do hereby, both jointly and severally, sell, assign, transfer and set over to the Assignee the entire right, title and interest in and to the said inventions or improvements and said application, and any and all continuations, divisions, renewals of or substitutes for said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof, and any reissue or reissues of said Letters Patent; and WE assign to and authorize the Assignee to file in our names applications for Letters Patent for said inventions or improvements in all countries, the same to be held and enjoyed by the Assignee, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by us, had this assignment, sale and transfer not been made;

AND WE hereby covenant that WE have full right to convey the entire interest herein assigned, and that WE have not

executed and will not execute any agreement in conflict herewith, and WE further covenant and agree that WE will, each time request is made and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said inventions or improvements, said application and said Letters Patent, in the Assignee, its successors, assigns, nominees or legal representatives, and WE agree to communicate to the Assignee, or its nominees, all known facts respecting said inventions or improvements, said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers, to execute all disclaimers and divisional, continuing, reissue and foreign applications, to make all rightful oaths, and generally to do everything possible to aid the Assignee, its successors, assigns, nominees and legal representatives to obtain and enforce for its or their own benefit, proper patent protection for said inventions or improvements in any and all countries, all at the expense, however, of the Assignee or its successors, assigns, nominees or legal representatives;

AND WE hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and any official of any country or countries foreign to the United States of America whose duty it is to issue patents on applications as aforesaid, to issue to the Assignee, as assignee of the entire right, title and interest, any and all Letters Patent for said inventions or improvements, which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this Assignment.

EXECUTED at Newark, NY this 4th
day of December, 1995.


Jiayn Simon Xue


EXECUTED at Burnaby, B.C this 30th
day of November, 1995.


Alfred MacDonald Wilson

EXECUTED at Burnaby, B.C this 30th
day of November, 1995.


Jeffery Raymond Dahn

EXECUTED at Vancouver, B.C this 25th
day of December, 1995.


Yinghu Liu

day of November, 1995. EXECUTED at Maple Ridge, B.C. this 23rd

Ulrich von Sacken
Ulrich von Sacken

day of November, 1995. EXECUTED at Maple Ridge, B.C. this 23rd

Qiming Zhong
Qiming Zhong

day of November, 1995. EXECUTED at Burnaby, B.C. this 30th

Tao Zheng
Tao Zheng

NOTARIAL CERTIFICATE

On this 4th day of December, 1995, before me, personally appeared Jiayu Simon Xue, known to me to be one of the individuals who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will and for the purpose therein set forth.

AWILDA PADRO'
Notary Public, State of New York
Seneca County No. 01PA5044564
Commission Expires 5/30/97

Aurilda Padro
Notary Public in and for the
Province of British Columbia,
Canada. Seneca County
My Commission is for ~~life~~.

NOTARIAL CERTIFICATE

On this 30th day of November, 1995, before me, personally appeared Alfred MacDonald Wilson, known to me to be one of the individuals who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will and for the purpose therein set forth.

ROSE MILLER
Notary Public
208 - 4501 North Road
Burnaby, B.C. V5N 4L8
Notary Public in and for the
Province of British Columbia,
Canada.
My Commission is for life.

NOTARIAL CERTIFICATE

On this 30th day of November, 1995, before me, personally appeared Jeffery Raymond Dahn, known to me to be one of the individuals who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will and for the purpose therein set forth.

ROSE MILLER

Notary Public

208 - 4581 North Road
Burnaby, B.C. V5N 4A8

[Signature]
Notary Public in and for the
Province of British Columbia,
Canada.

My Commission is for life.

NOTARIAL CERTIFICATE

On this 25 day of December, 1995, before me, personally appeared Yinghu Liu, known to me to be one of the individuals who executed the foregoing instrument, and who acknowledged to me that she executed the same of her own free will and for the purpose therein set forth.

NO ADVICE SOUGHT OR GIVEN

KATHLEEN HOLMWOOL
Notary Public
5540 Dunbar Street
Vancouver, B.C. V6E 4H1
266-1986

[Signature]
Notary Public in and for the
Province of British Columbia,
Canada.

My Commission is for life.

NOTARIAL CERTIFICATE

On this 23 day of Nov, 1995, before me, personally appeared Ulrich von Sacken, known to me to be one of the individuals who executed the foregoing instrument, and who acknowledged to me that she executed the same of his own free will and for the purpose therein set forth.

[Signature]
Notary Public in and for the
Province of British Columbia,
Canada.

My Commission is for life.

DONNA A.C. TELFER
Notary Public
22568 Lougheed Highway
Maple Ridge, B.C.
V2X 2V1 467-5313

UNITED STATES PATENT AND TRADEMARK OFFICE
DOCUMENT CLASSIFICATION BARCODE SHEET



Transmittal

1

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)*(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
P22,561-A USATotal Pages in this Submission
121**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**PRE-GRAPHITIC CARBONACEOUS INSERTION COMPOUNDS AND
USE AS ANODES IN RECHARGEABLE BATTERIES**

and invented by:

**Jiayu Simon Xue, Alfred MacDonald Wilson, Jeffery Raymond Dahn, Yinghu Liu, Ulrich von Sacken,
Qiming Zhong, Tao Zheng**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/572,851

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 73 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Microfiche Appendix *(if applicable)*
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if drawings filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
P22,561-A USA

Total Pages in this Submission
121

Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*

- a. ☒ Formal Number of Sheets 24
- b. ☐ Informal Number of Sheets _____

4. ☒ Oath or Declaration

- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Computer Program in Microfiche *(Appendix)*

7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*

- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☒ Assignment Papers *(cover sheet & document(s))*

9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*

10. ☐ English Translation Document *(if applicable)*

11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations

12. ☒ Preliminary Amendment

13. ☒ Acknowledgment postcard

14. ☒ Certificate of Mailing

☐ First Class ☒ Express Mail *(Specify Label No.):* EL162687919USA

UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
P22,561-A USA

Total Pages in this Submission
121

Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Additional Enclosures (please identify below):

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
P22,561-A USA

Total Pages in this Submission
121

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	22	- 20 =	2	x \$18.00	\$36.00
Indep. Claims	7	- 3 =	4	x \$84.00	\$336.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$740.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$1,112.00

- ☒ A check in the amount of **\$1,112.00** to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **19-5425** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:

November 13, 2001

Signature

Peter J. Butch III
Reg. No. 32,203
Synnestvedt & Lechner LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

CC:

A

P22,561-A USA

N/A

N/A

Herewith

N/A

Group Art

N/A

(Identify type of correspondence)

(Date)

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

EL162687919USA

(*"Express Mail" Mailing Label Number*)

Note: Each paper must have its own certificate of mailing.

UNITED STATES PATENT AND TRADEMARK OFFICE
DOCUMENT CLASSIFICATION BARCODE SHEET



Preliminary Amendments

3

Level - 2
Version 1.1
Updated - 8/01/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Xue et al.**

Application No.: **Not Assigned**

Examiner: **J. Maples**

Filed: **Herewith**

Group Art Unit: **1745**

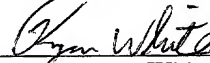
For: **PRE-GRAPHITIC CARBONACEOUS INSERTION
COMPOUNDS AND USE AS ANODES IN RECHARGEABLE
BATTERIES**

Attorney Docket No.: **P22561-A USA**

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service on November 13, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL162687919US addressed to the: Commissioner of Patents, Washington, D.C. 20231.

Dated: November 13, 2001


Ryan P. White

Box Patent Application
Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

Sir:

Please enter the following amendments prior to examination of the within patent application.

IN THE SPECIFICATION

Please amend the specification as follows:

At page 1, please add at line 3 the following cross-reference to the parent application:

CROSS-REFERENCE TO RELATED APPLICATION

This application is a divisional of U.S. Patent Application Serial No. 08/572,851 filed December 14, 1995, which issued on even date herewith as U.S. Patent No. 6,316,144, the disclosure of which is incorporated herein by reference.

IN THE CLAIMS

Please cancel claims 1 to 19, 21-44, 58-60 and 70, without prejudice.

REMARKS

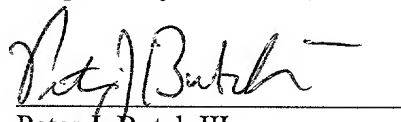
This amendment is submitted prior to examination of the above-identified Divisional Patent Application. The specification has been amended to insert a priority claim to parent U.S. Patent Application Serial No. 08/572,851 filed December 14, 1995, which issued on even date herewith as U.S. Patent No. 6,316,144. Claims 1 to 44, which were examined in the parent application, have been canceled. Applicants have also temporarily removed battery claims 58-60 and method claim 70 from the application. A second preliminary amendment will be submitted to present these claims in a format without multiple dependencies, and to conform all of the claims to United States practice, as well as to the subject matter allowed in the parent application.

To be complete applicants note that in the parent application the number "20" was inadvertently skipped in the claim numbering sequence. In the parent application, the Examiner required applicants to submit a renumbered claim set. In the second preliminary amendment applicants will renumber remaining claims 45-57 and 61-70 as 44-56 and 60-69.

Attached hereto is a marked-up version of the changes made to the specification and claims. The attached page is captioned "**Version with markings to show changes made.**" A favorable first action on the merits is respectfully requested. The Examiner is requested to telephone the undersigned if there are any issues requiring resolution.

Finally, the Examiner is authorized to charge Applicant's Deposit Account No. 19-5425 for any charges in connection with this Preliminary Amendment.

Respectfully submitted,


Peter J. Butch III
Reg. No. 32,203

Dated: November 13, 2001

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2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950
Tele: (215) 923-4466
Fax: (215) 923-2189

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

The following paragraph has been added, beginning at line 3 of page 1:

CROSS-REFERENCE TO RELATED APPLICATION

This application is a divisional of U.S. Patent Application Serial No. 08/572,851 filed December 14, 1995, which issued on even date herewith as U.S. Patent No. 6,316,144, the disclosure of which is incorporated herein by reference.

In the claims:

Claims 1 to 19, 21-44, 58-60 and 70 have been canceled, without prejudice.